

## REMARKS

Applicants have carefully studied the outstanding Official Action. The present response is intended to be fully responsive to all points of rejection and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the present application are hereby respectfully requested.

Claims 75-78, 82-86, 95, 98-100, 103-106, 115, 116, 127-130, 150, and 156 were examined.

Claims 75-78, 82-86, 95, 98-100, 103-106, 115, 116, 127-130, 150, and 156 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al., (US2005/0005308) in view of Wanderscheid (US5602582) and Reisman (US2003/0229900).

The Examiner's rejections are respectfully traversed.

The Official Action states on pages 3 and 4 as follows:

".Logan does not explicitly teach computing said selection time or identifying the selection based on said computing time, as recited. In an analogous art, col 4 and Fig. 3-4 Wanderscheid teach a method for processing an input signal related to streamed digital video data wherein the system identifies a time I at which the user input is received, correlates said time I to a table of time indices, and performs an action based on said time index.....It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Logan ... to enable the segment selection taught by Logan without having to navigate the menu of Logan".

It should be noted that the system of Logan is for recording and replaying segments of a broadcast. In Logan, the broadcast is recorded - see the title, abstract and summary (e.g.: para. 28) of Logan.

Logan allows playback of one or more segments of the recorded broadcast by selecting the segments from a segment guide list (see para. 30) without the user having to watch the whole recording. As the titles in the segment guide list are descriptive, the user can select the most appealing segments for viewing and ignore the others.

It should be noted that the metadata used to define the segments in Logan is created after the live broadcast - see para. 30. Therefore, selection of a segment(s) cannot be made while the segment(s) is being broadcast but only after the segment(s) has been recorded.

On the other hand, Wanderscheid translates a remote control click of a user who is currently viewing the video at a time I into an action which needs to be performed at time I.

It would not be obvious to modify Logan based on Wanderscheid for the following reasons:

1. The remote control click of Wanderscheid is only relevant while viewing the video. However, the purpose of Logan is to enable a user to select which segments to view based on the selection guide descriptions so as not to have to view the whole recording.
2. If the system of Wanderscheid was applied to Logan, the user may have to view segments that the user does not want to view in order to get to the segment that the user wants to view - then the selection of that segment by clicking the remote control becomes redundant, as the user has already viewed that segment. The selection guide of Logan already performs the task of enabling the user to select segments based on descriptive labels in a very efficient manner without having to view the whole recording. Therefore, modifying Logan based on Wanderscheid destroys the system of Logan and makes it unworkable for the user.
3. Wanderscheid would not allow selection of multiple segments at one time and in a different order as is possible with Logan's selection guide. Therefore, the Wanderscheid remote control click would be more limiting than the selection guide of Logan.

**Therefore not only is it non-obvious to modify Logan based on Wanderscheid, modifying Logan based on Wanderscheid would lead to Logan's system becoming unworkable and meaningless.**

The following is a citation from MPEP 2143.01 "Suggestion or Motivation To Modify the References [R-6]", section V "THE PROPOSED MODIFICATION CANNOT RENDER THE PRIOR ART UNSATISFACTORY FOR ITS INTENDED PURPOSE" (emphasis added)

**"If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.**

*In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) (Claimed device was a blood filter assembly for use during medical procedures wherein both the inlet and outlet for the blood were located at the bottom end of the filter assembly, and wherein a gas vent was present at the top of the filter assembly. The prior art reference taught a liquid strainer for removing dirt and water from gasoline and other light oils wherein the inlet and outlet were at the top of the device, and wherein a pet-cock (stopcock) was located at the bottom of the device for periodically removing the collected dirt and water. The reference further taught that the separation is assisted by gravity. The Board concluded the claims were *prima facie* obvious, reasoning that it would have been obvious to turn the reference device upside down. The court reversed, finding that if the prior art device was turned upside down it would be inoperable for its intended purpose because the gasoline to be filtered would be trapped at the top, the water and heavier oils sought to be separated would flow out of the outlet instead of the purified gasoline, and the screen would become clogged.)."

Since the modification of Logan based on Wanderscheid renders Logan being modified unsatisfactory for its intended purpose, there is no suggestion or motivation to make the proposed modification.

In view of the above remarks it is respectfully submitted that claims 75-78, 82-86, 95, 98-100, 103-106, 115, 116, 127-130, 150, and 156 are in condition for allowance. Prompt notice of allowance is respectfully and earnestly solicited.

Favorable consideration and allowance of the present application are hereby respectfully requested.

Respectfully submitted,

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